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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 LONNIE RAY CARTER,

11 Plaintiff,

12 v.

13 BERNIE WARNER et al.

14 Defendants.

CASE NO. 3:11-cv-05617-BHS-JRC

ORDER DIRECTING PLAINTIFF
TO SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE
SUMMARILY DISMISSED AND IN
FORMA PUPERIS STATUS DENIED


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16 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
18 MJR 3, and MJR 4. Plaintiff has filed a proposed complaint and a motion to proceed in forma
19 pauperis. Plaintiff alleges that the Washington State Department of Corrections released plaintiff
20 from prison on his maximum expiration date of August 10, 2008. He complains because he was
21 released into a “serious life threatening situation,” “murder for hire.” (ECF No. 1. Proposed
22 complaint).

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24 ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY THIS ACTION SHOULD NOT BE
SUMMARILY DISMISSED AND IN FORMA
PUPERIS STATUS DENIED - 1

1 Plaintiff is ordered to show cause why his motion to proceed in forma pauperis should
2 not be denied and this action dismissed as frivolous. A response will be due on or before
3 **September 30, 2011.**

4 The court may dismiss an in forma pauperis complaint before service of process under 28
5 U.S.C. § 1915A (b) (1) if the complaint fails to state a claim or if the complaint, on its face,
6 contains a complete defense to the action. Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000).
7 Plaintiff fails to show that the Washington State Department of Corrections had any authority to
8 hold him beyond his release date or to release him in a county other than the one where he was
9 convicted. He has presented no facts that would support a claim for relief under 42 U.S.C. §
10 1983. Therefore, unless plaintiff can amend his complaint to state a claim for relief, then this
11 court will recommend that the case be dismissed.

12 Dated this 26th day of August, 2011.

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15 J. Richard Creatura
16 United States Magistrate Judge
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